

WATER QUALITY TEAM MEETING NOTES

June 12, 2001

**National Marine Fisheries Service Offices
Portland, Oregon**

Introductions and Review of the Agenda.

Mary Lou Soscia of EPA, WQT co-chair, welcomed everyone to the meeting, held June 12 at the National Marine Fisheries Service offices in Portland, Oregon. The meeting was facilitated by Richard Forester. The meeting agenda and a list of attendees are attached as Enclosures A and B. Please note that some of the enclosures referenced in these meeting notes may be too lengthy to routinely attach to the minutes; please contact Kathy Ceballos (503/230-5420) to obtain copies.

1. Columbia/Snake River Mainstem TMDL Update.

Soscia began by noting that the correct website to access information and updates about the TMDL development process is www.epa.gov/r10earth/columbiamainstemtmdl.htm. She said a team of people from Oregon, Washington and Idaho are continuing to work on the development of the dissolved gas and temperature TMDLs; the most recent news on that front is the fact that the Western Governor's Association is actively supporting the gas workplan and public outreach portion of the TMDL development effort. The plan is to hold eight public meetings on TMDL development over the next year, Soscia said, two of which are coming up soon: one in Spokane on July 23, and one in Portland on July 24. All WQT members will be invited to attend, she said, adding that there are currently about 350 names on the TMDL mailing list.

Soscia added that the main focus of the Spokane meeting will be Upper Columbia dissolved gas issues; at the Portland meeting, Oregon will be presenting their draft gas TMDL for the Lower Columbia. Soscia distributed copies of the draft agendas for the Portland and Spokane meetings (Enclosures C and D).

Beyond that, said Soscia, the states, tribes and EPA are continuing to work on the technical issues associated with the TMDL; a technical session is planned for June 27-28 in Seattle, at which EPA will share its modeling results to date. There are also some draft workplans available from the TMDL webpage, including one for the temperature TMDL.

In terms of schedule, said Soscia, Oregon plans to submit the final Lower Columbia gas TMDL to EPA by December 31, 2001. The Upper Columbia and Lower Snake River dissolved gas TMDL is being developed by the State of Washington; their preliminary expectation is that that piece will be completed by December 2002. The temperature TMDL should be finished by fall 2002; there is still some question as to who will issue this TMDL – EPA, the states, or both.

2. Water Quality Plan Update.

Dick Cassidy began this update by distributing a handout titled “Record of Consultation and Statement of Decision – Effects to Listed Species from Operations of the Federal Columbia River Power System Issued by the U.S. Fish and Wildlife Service on December 20, 2000 – Executive Summary.” This document is Enclosure E. He noted that the full version of the Corps Record of Consultation and Decision is available from the following website: www.nwd.usace.army.mil.

Cassidy said the Record of Consultation and Decision is broken out into eight major sections: flow management, spill, juvenile fish transport, future studies, habitat actions, hatchery actions, adaptive management and Clean Water Act.

Cassidy said the Corps Record of Consultation and Decision was submitted to Judge Fry within the stipulated time-frame; the judge specified that the Corps will be required to address Clean Water Act actions in order to meet its legal obligations. Any reaction from the plaintiffs? one participant asked. I understand that they submitted their response to the courts last Friday, Cassidy replied.

With respect to spill, said Cassidy, what this document says is that the Corps will request variances for voluntary spill needed for ESA compliance. However, the Corps will not request a variance for involuntary spill or temperature. The Corps’ position is that variances for voluntary spill for non-ESA issues will be submitted by the organization or organizations requesting this spill – for example, for the spill in support of the annual Spring Creek Hatchery releases.

With respect to the Clean Water Act section of the Record of Consultation and Decision, Cassidy continued, what this document says first is that the Corps intends to comply with both the NMFS and the USFWS Biological Opinions; the latter BiOp recommends test spill at Libby Dam for sturgeon, while the NMFS BiOp specifies spill up to the 120% and 115% TDG levels at various locations in the Lower Snake and Columbia Rivers. Second, said Cassidy, the Record of Decision states that the Corps will “...seek to harmonize operation to comply with ESA, state and tribal water quality standards by working with the four states and tribes in the region to reach a regional multi-year agreement.” That effort has now begun, Cassidy said, and will be discussed later in today’s meeting.

The third major component of the CWA section is that the Corps is committed to work on the Water Quality Plan that is under joint development with the Bureau of Reclamation and BPA, Cassidy

said. In the course of that process, the Corps will undertake to fund all practicable alternatives for the implementation of this Water Quality Plan, and to work out all possible conflicts.

There are a couple of major steps involved in “harmonizing operations,” Cassidy continued – first, to work within the adaptive management process, second, to participate in the TMDL implementation process by helping to define the problems, as well as making operational and capital investment decisions to reduce TDG and reliance on spill. Until the TMDLs are developed further, the Corps will continue to provide information to the states and tribes as needed, Cassidy added.

When you call this a “Record of Consultation and Decision,” said Margaret Filardo, does that mean the Corps has consulted with EPA, Reclamation and NMFS before issuing it? Also, does this mean EPA, NMFS and Reclamation agree with what’s in here? EPA did work with the Corps on this document, laying out a variety of items we wanted to see included, Soscia replied. The Corps did not include everything EPA asked for in their Record of Decision, she said; the Department of Justice, which is representing the federal government in the Judge Fry decision, facilitated this process, and made the final decisions about what would be included in the Record of Decision. Basically, it was up to the Department of Justice to make the call about which of the items EPA specified should be included in the Record of Decision, Soscia explained. She added that EPA submitted its recommendations in the form of a letter, and said she will include a copy of this letter with the minutes from today’s meeting.

When will Judge Fry decide whether or not the Corps’ response is acceptable? Filardo asked. There is no timeline that I’m aware of, Soscia replied. One thing I’m curious about, she added – there are 37 water quality-related RPAs in the NMFS Biological Opinion. What is the strategy for implementing those? When I posed that question to some others from the Corps, they said they wanted to use the WQT as the forum in which to make decisions about those 37 RPAs, Soscia said; I am very curious about how that is going to happen. We’re still in the process of working out time-frames and budgets for those RPAs, Cassidy replied; various elements within the Corps are working on that effort. Once we have developed information about schedule, budget and general approach, he said, I will be happy to share that information with the rest of the WQT.

I think there is a strong desire on the part of the WQT to become more of a decision-making body, Soscia said; again, I will be very interested to see how that might happen, and what approach the Corps is going to advocate with respect to the implementation of the 37 BiOp RPAs. Most of that information will likely be contained in the one-year and five-year BiOp implementation plans, one participant noted. After a few minutes of further discussion, Soscia observed that a session in which various stakeholders in this process might sit down together, share ideas and get a few things out on paper would be extremely constructive.

Moving on to the current status of the Water Quality Plan development process, Cassidy said that the three action agencies are now working on an inter-agency Water Quality Plan, rather than separate plans. The Corps has agreed to coordinate this effort, specifically, through its Walla Walla

District office. The process is moving forward; the Corps has now shared its conceptual framework for Water Quality Plan development with NMFS, EPA, the states and the tribes, Cassidy said. In terms of the time-frame for this effort, Walla Walla District is now estimating that this project will be finished by the end of the federal fiscal year, September 30, 2001.

One major focus of this plan will be all of the water quality-related RPAs in the Biological Opinion, said Cassidy; those will all be referenced. The Water Quality Plan will be broader than just the RPAs in the BiOp, however, he added – we have made a commitment to do more in the water quality area. For example, we will also be developing water quality plans for the Corps projects on the coastal streams, as well as for those projects on the Columbia River tributaries, Cassidy said. We will continue to schedule regular meetings with the states and others to discuss the development of the Water Quality Plan, he said. The more interactive the Corps can be, the better, Soscia observed, adding that it would be very helpful if the Corps could plan to provide regular updates on the Water Quality Plan at future WQT meetings. We will do so, Cassidy replied. For the record, said Soscia, I think everyone at this table is anxious to see a more tangible Water Quality Plan work product. Understood, said Cassidy – as soon as one is available, we will share it.

3. Report on Meeting With States on 2001 Long-Term Spill Strategy.

Cassidy said there were a series of meetings on May 21-23 between the Corps, EPA and the states of Oregon, Washington, Idaho and Montana to begin discussions about entering into long-term agreements which would eliminate the need for an annual variance request process. Cassidy reviewed the Corps personnel who attended these meetings. Some of the issues raised by Idaho during the meeting included the effects of Dworshak operations on smolt development in the Clearwater River downstream, past water quality exceedences, and the role of subbasin planning in TMDL development. The Idaho representative also stressed the need to meet with both Idaho DEQ and the Nez Perce Tribe next time around, to explain the rationale behind our request for a long-term water quality variance. That next meeting with Idaho and the Nez Perce has been set for June 20 in Lewiston, Cassidy said.

Cassidy then described the Corps and EPA's subsequent meetings with Washington, Oregon and Montana; topics discussed at those meetings included the Record of Consultation and Decision, the ties between TMDL development and Water Quality Plan development, between Water Quality Plan and TMDL implementation, and TDG and potential spill tests at Libby Dam. At the meeting, Oregon DEQ mentioned that it is unlikely, in their view, that it will be possible to craft a long-term water quality agreement prior to the 2002 spill season. ODEQ also stressed the importance of including measurable milestones in the TMDL, and to show a long-term commitment to water quality improvements, Cassidy said.

Oregon DEQ also asked that, given the drought conditions this year, the Corps provide semi-annual verbal and written reports on the spill program and water quality in general to the ODEQ

Commission, Cassidy continued. Soscia added that WDOE, in particular, wanted to be clear about the next steps in this process; those next steps will include a series of follow-up technical meetings.

Another important thing that came out of the Oregon meeting was a tentative schedule for next year, overlaying the TMDL development process with the timing of the requested reports to the ODEQ Commission, the development of the federal Water Quality Plan and other processes, Soscia said. One other important point, added Russell Harding – we did commit, at the staff level, to support a multi-year waiver at the Oregon meeting.

4. 2001 Dworshak Operations.

Soscia said that, in response to a variety of requests (from NMFS and others) EPA has done a number of water temperature model runs showing the effects of various 2001 Dworshak operations on water temperatures at Lower Granite Dam. However, she said, I just received the modeling results immediately before today's meeting, and have not yet had an opportunity to review them – in other words, there isn't much I can report today.

Cassidy then went through some of the results from the Corps' recent MASS-1 water temperature modeling work, using various Dworshak operational scenarios developed by TMT (these results are summarized in Enclosure F; please refer to this document for full details of Cassidy's presentation). Cassidy spent a few minutes going through the MASS-1 modeling results, noting that, in general, the scenario under which Dworshak would release 10 Kcfs beginning in early July and running through August 31 appears to show the most promising results in terms of the number of days during which the 20-degree C water temperature standard would be exceeded at Lower Granite forebay, at least under expected 2001 water conditions.

Cassidy noted that the Corps' modeling work was done by Battelle; a full report, showing both results and model inputs, is available via the WQT website. Cassidy also touched on the effects of the various Dworshak scenarios modeled on water temperatures at McNary, noting that, under all three scenarios modeled to date, any cooling effects from the Dworshak releases dissipate before arriving at McNary.

5. State Updates.

A. Idaho. Garth Newton of the Idaho Department of Water Resources reported that his agency has now purchased the 1-D MIKE-11 model series, adding that he has just begun to familiarize himself with this modeling system. Most of the model work will be focused on the Clearwater and Lower Snake, he said. The plan is also to begin working soon on a 2-D model, to look at the impacts of the cold water releases from Dworshak on reservoir stratification. At Soscia's request, Newton then spent a few minutes describing his professional and educational background.

B. Washington. In the absence of a WDOE representative, no Washington update was presented at today's meeting.

C. Oregon. No further Oregon update was presented at today's meeting.

6. Next WQT Meeting Date.

The next meeting of the Water Quality Team was set for Tuesday, July 17 from 1-4 p.m. at NMFS' Portland offices. Meeting notes prepared by Jeff Kuechle, BPA contractor.